

Exhibit 5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
)
Plaintiff,)
vs.) Case No.
) 17-cv-00939-WHA
UBER TECHNOLOGIES, INC.;)
OTTOMOTTO, LLC; OTTO TRUCKING LLC,)
)
Defendants.)
)
)
)
_____)

HIGHLY CONFIDENTIAL--OUTSIDE COUNSEL'S EYES ONLY
VIDEOTAPED DEPOSITION OF
OGNEN STOJANOVSKI, ESQ.
San Francisco, California
Thursday, July 20, 2017
Volume I

Reported by:
MARY J. GOFF
CSR No. 13427
Job No. 2663397
PAGES 1-321

1 copy. So what is your relationship to Sandstone 09:16:48
2 Group, LLC? 09:16:49
3 A I'm its manager and general counsel. 09:16:51
4 Q When did you become Sandstone Group, LLC's 09:16:54
5 manager and general counsel? 09:16:56
6 A At its formation in the summer of 2012. 09:16:59
7 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 09:17:15
11 Q So that's your -- that's your -- 09:17:16
12 A That's my personal residence, and I have a 09:17:18
13 home office there as well. 09:17:20
14 Q I would like to direct your attention 09:17:22
15 to -- let's see. It's the "Definitions" page. If 09:17:25
16 you could turn to -- it's -- it's numbered "No. 1." 09:17:31
17 A Yeah. 09:17:39
18 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 09:17:48
23 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 09:17:55

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1 [REDACTED] [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

16 Q Who is that? 09:19:34

17 A John Gardner. 09:19:35

18 Q Anyone else? 09:19:37

19 A No. 09:19:37

20 Q Directing your attention to the next page 09:19:40

21 of Exhibit 323, do you see No. 4 here refers 09:19:44

22 to "Nunnemaker & Associates, Inc."? 09:19:49

23 Did I pronounce that correctly? 09:19:52

24 A Probably. That's how I pronounce it. 09:19:56

25 Q What is Nunnemaker & Associates? 09:19:59

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1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 09:23:37
3 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 09:24:00
12 Q Directing your attention to the next 09:24:07
13 definition here on this Subpoena to Sandstone, 09:24:12
14 "Narwhal" means Narwhal Energy, LLC. 09:24:15
15 Do you see that? 09:24:19
16 A Yes. 09:24:20
17 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 09:24:33
20 Q Does Narwhal Energy, LLC have any 09:24:39
21 employees? 09:24:43
22 A No, it does not. 09:24:43
23 Q Does it have any officers? 09:24:44
24 A I am the manager. That qualifies as an 09:24:51
25 officer. I'm the manager of Narwhal. 09:24:55

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1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
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[REDACTED] [REDACTED]
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[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 09:31:45
14 MR. SAWYER: Objection, form. 09:31:48
15 A No, I don't think so. 09:31:51
16 Q Are you aware of any documents responsive 09:31:54
17 to that Request for Production, whether they're in 09:31:55
18 Sandstone's possession, custody, or control, or 09:32:00
19 elsewhere? 09:32:03
20 MR. SAWYER: Objection, form. 09:32:04
21 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 09:32:19
25 [REDACTED] [REDACTED] 09:32:20

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HIGHLY CONFIDENTIAL - OUTSIDE COUNSEL'S EYES ONLY

1

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

09:32:51

7

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

09:33:58

HIGHLY CONFIDENTIAL - OUTSIDE COUNSEL'S EYES ONLY

1 [REDACTED] 09:34:03

2 [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED] 09:34:12

6 [REDACTED] [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED] 09:34:17

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q Did you ask John Gardner why he asked you 09:35:00

21 to be the manager of Sandstone Group? 09:35:04

22 A I did not ask John Gardner why he chose me 09:35:10

23 to be the manager of Sandstone Group. 09:35:14

24 Q Do you know why he chose you to be the 09:35:17

25 manager of the Sandstone Group? 09:35:19

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1 Sandstone Group, right? 09:37:48

2 A I had not met John Gardner before he 09:37:48

3 called me. 09:37:50

4 Q So -- so my question is: Why -- why did 09:37:51

5 he think to call you? 09:37:54

6 MR. SAWYER: Objection, form. 09:37:56

7 MS. RAY: Join. 09:37:58

8 A He told me that he had gotten my name from 09:38:02

9 Anthony Levandowski. 09:38:06

10 Q And what else do you remember about that 09:38:11

11 conversation when he called you? 09:38:14

12 A He called me to tell me that he was in the 09:38:15

13 process of forming an investment company and asked 09:38:20

14 if I would be interested in being his manager. That 09:38:26

15 was the gist of the first conversation. 09:38:30

16 [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] 09:39:07

1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 09:39:36
10 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 09:39:43
12 Q Was that conversation in person or over 09:39:46
13 the phone? 09:39:48
14 A I think it was in person. 09:39:51
15 Q Where did that conversation take place? 09:39:54
16 A It took place in Berkeley, California. 09:39:58
17 Q Why in Berkeley? 09:40:07
18 A I'm trying to remember. It was either at 09:40:08
19 his house or at the initial offices of Odin Wave, 09:40:11
20 which is 2201 Dwight Way. 09:40:15
21 THE COURT REPORTER: Of? 09:40:17
22 A Huh? It was either his -- 09:40:20
23 THE COURT REPORTER: It was? 09:40:20
24 A -- Odin Wave, O D I N W A V E, which is 09:40:20
25 2201 Dwight Way, in Berkeley. 09:40:26

1 Q (BY MR. JUDAH) Has Anthony ever -- 09:40:30
2 Levandowski ever lied to you? 09:40:32
3 A Not that I know of. 09:40:35
4 Q Are you aware of him ever lying to anyone 09:40:40
5 else? 09:40:43
6 A Am I aware of him lying to anyone else? 09:40:43
7 No. No. 09:40:47
8 Q So to the best of your recollection, 09:40:49
9 Anthony Levandowski has never, as far as you're 09:40:51
10 aware, lied to anyone? 09:41:00
11 MR. SAWYER: Objection, form. 09:41:01
12 A I don't -- I don't personally know if 09:41:05
13 Anthony has ever lied to anyone. 09:41:08
14 Q Do you consider Anthony Levandowski to be 09:41:10
15 an honest person? 09:41:12
16 A Yeah, I would say Anthony is an honest 09:41:15
17 person. 09:41:21
18 Q Do you consider Anthony Levandowski to be 09:41:22
19 an ethical person? 09:41:23
20 A Yes, I do. Yes, I consider Anthony to be 09:41:29
21 ethical. 09:41:33
22 Q When Anthony Levandowski told you he did 09:41:33
23 not have any ownership interest in the Bismuth 09:41:36
24 Trust, you believed him, correct? 09:41:38
25 A Yes. 09:41:40

1

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1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 09:43:09
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 09:43:26
9 [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] 09:43:48
17 Q That would be, in fact, the first 09:43:48
18 dishonest act that Mr. Levandowski ever did that you 09:43:51
19 would be aware of, right? 09:43:54
20 A Yeah. Yes. 09:43:59
21 Q Directing your attention back to 09:44:05
22 Exhibit 323, I want to ask you about -- let's see -- 09:44:06
23 No. -- no. 4. It says -- 09:44:15
24 A Sure. 09:44:18
25 [REDACTED] 09:44:19

HIGHLY CONFIDENTIAL - OUTSIDE COUNSEL'S EYES ONLY

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10:19:01

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

10:20:38

1 [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 10:24:49
7 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 10:24:57
10 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 10:25:12
15 Q Has Anthony Levandowski ever asked you to 10:25:14
16 keep a secret? 10:25:16
17 A Has he ever asked me to keep a secret? 10:25:18
18 MR. SAWYER: Objection, form. 10:25:21
19 A I -- he might have. I can't recall a 10:25:25
20 secret that he has asked me to keep. 10:25:29
21 [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 10:25:49